UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,129	10/22/2003	Nicholas Shayne Brookins	4752-000004	5340

27572 7590 12/11/2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
WANG, KENT F	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/691,129	BROOKINS, NICHOLAS SHAYNE	
	Examiner	Art Unit	
	Kent Wang	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-15 and 18-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-15, and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 09/20/2007, have been entered and made of record. Claims 1-4, 6-15 and 18-21 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 10-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 6-8, 10-15, and 18 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Miyagi, US 2002/0047916 in view of Ducharme, US 2003/0206636.

Regarding claim 1, in Fig 1 Miyagi discloses a video transmission system, comprising:

- a video source (a digital image recording apparatus 2; [0022] , Miyagi);
- a video server (an image distribution server 7) adapted to receive video data from the video source, the video server operable to buffer the video data and transmit the video data across a network (network 5) ([0026] , Miyagi); and

- a video retransmitter residing on a first computing device (an image processing apparatus 6, Fig 1) and adapted to receive the video data via the network from the video server (it's inherent that the networks connects the image processing apparatus 6 to the image distribution server 7, Fig 1, [0024]), said video retransmitter operable to buffer the video data and re-transmit the video data to a second computing device (the data from the image processing apparatus 6 is appropriate for processing on the portable information terminal 10 or on the portable phone 9) ([0029] , Miyagi) .

Miyagi does not explicitly disclose a second computing device which is configured to receive the video data from either the video server or the video retransmitter, and operable to select either the video server or the video retransmitter as a source for the video data based on a metric associated with the transmission path of the video data from the source.

Ducharme discloses the second computing device (client 41-43, Fig 2) is configured to receive the video data from either the video server (service provider 20, Fig 2) or the video retransmitter (gateway 30, Fig 2), and operable to select either the video server or the video retransmitter as a source for the video data based on a metric (encryption key information) associated with the transmission path (fiber, wired or wireless connections 35, Fig 2) of the video data from the source (the modified video data is retransmitted to a client, and allow service provider to extend their entitlement control and management down to the client device) (0010] and [0014]-[0015], Ducharme).

Thus, it would have been obvious to one of ordinary skill in the art to have included a 2nd computing device as taught by Ducharme into Miyagi's data communication system, as the

system allows each computing device (clients) to control and management the redistribution of video data and the saved bandwidth is available for other tasks ([0010], [0015], Ducharme).

Regarding claim 2, Miyagi discloses the video source is further defined as a digital camera (a digital image recording apparatus 2 works as an image pickup apparatus) ([0022], Miyagi).

Regarding claim 3, Miyagi discloses the video server is integrated with the video source (connecting the digital image recording apparatus 2 to the network) ([0028] and Fig 1, Miyagi).

Regarding claim 4, Miyagi as modified by Ducharme discloses the second computing device is operable to display the video data (Fig 2, monitor 44, Ducharme).

Regarding claim 6, Ducharme discloses the second computing device (client 41-43, Fig 2) is configurable to receive the video data from the selected source service (service provider, gateway or other client) (the service providers extend their entitlement control and management down to the client device) ([0010] and [0015], Ducharme).

Regarding claim 7, Ducharme discloses the second computing device (client 41-43, Fig 2) is adapted to receive the video data via the network (wired connection communication 35, Fig 2) from the video retransmitter (gateway 30, Fig 2) ([0010], [0014], Ducharme).

Regarding claim 8, Ducharme discloses the second computing device (client 41-43, Fig 2) is adapted to receive the video data via another network (fiber, wired or wireless connections 35, Fig 2) from the video retransmitter ([0014], Ducharme).

Regarding claim 10, Miyagi discloses the video server is operable to maintain a directory (additional data such as mail address, an image file name, a message, and the like), where the directory includes a list of client computing devices to whom video data is currently being sent and which are configured to retransmit the video data (the image distribution server 7 generates a URL and a mail message in a specified mode) ([0042] , Miyagi).

Regarding claim 11, Miyagi discloses each entry in the directory identifies a source (mail address) whose video data (GIF file with additional data) is capable of being retransmitted from a source other than the video server (apparatus 6), a network address for the identified source (URL); and an indicator as to whether the video data is being received on a dedicated basis (the image distribution server 7 returns a processing result to the personal computer 60) ([0042], [0045], and [0046] , Miyagi).

Regarding claim 12, Miyagi discloses the video server is adapted to receive requests for the video data and operable to log an entry (customer ID and password) into the directory when the requesting computing device is configured to retransmit the video data ([0044] and [0045] , Miyagi).

Regarding claim 13, Miyagi discloses the directory is accessible to the second computing device (personal computer 6), the second computing device being operable to evaluate each alternative source for the video data being requested (the image distribution server 7 returns a processing result to the personal computer 6) ([0042] , Miyagi);

Ducharme discloses the selecting a source for the video data (the service providers extend their entitlement control and management down to the client device) based on a metric

(encryption key information) associated with the transmission path of the video data from the source (fiber, wired or wireless connections 35, Fig 2) ([0010], [0014]-[0015], Ducharme).

Thus, it would have been obvious to one of ordinary skill in the art to have included a video source selection system as taught by Ducharme into Miyagi's data communication system, as the system adds benefit of allowing the saved bandwidth available for other tasks ([0010], [0015], Ducharme).

Regarding claim 14, this claim differs from claim 1 only in that the claim 1 is an apparatus claim whereas claim 14 is a method. Thus the method claim 14 is analyzed and rejected as previously discussed with respected to claim 1 above.

Regarding claim 15, Miyagi discloses the step of transmitting the video server from the video server further comprises:

- receiving a request for the video data from the first client computing device (the image distribution server 7 sends an email message to notify a recipient that an image is available for distribution) ([0026], Miyagi);
- determining whether the first client computing device is configured to retransmit the video data (the image distribution server 7 checks a certification or authentication server 21 based on the ID and password transmitted from the personal computer 60) ([0044], Miyagi); and
- logging an entry (a customer ID and a password) in a retransmitter directory when the first client computing device is configured to retransmit the video data ([0044] , [0045], and [0046], Miyagi).

Regarding claim 18, Ducharme discloses the metric (encryption key information) is associated with a transmission path of the video data from the evaluated source (fiber, wired or wireless connections 35, Fig 2) ([0014], Ducharme).

5. Claims 9 and 20-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Ducharme and further in view of Tullis, US 2002/0171737.

Regarding claim 9, Miyagi and Ducharme disclose a video transmission system comprising a video source, a video server and a video retransmitter.

Miyagi and Ducharme do not explicitly disclose the video server receives the video data at a first resolution and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution.

Tullis discloses the video server receives the video data at a first resolution (the image processor 18 of the server 10 operates to create a higher resolution for example adjusting color balance, gamma and luminance before retransmitting) and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution (an enhanced image is formed from the enhanced image data and the enhanced image is displayed on the display device of the camera, step 128 of Fig 4) ([0030], [0031] and [0036], Tullis).

Tullis, Miyagi, and Ducharme are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Tullis' image processor in Miyagi and Ducharme's image data communication system. The suggestion/motivation would have been

to enable images having different resolutions to be transmitted from the server and the retransmitter.

Regarding claims 20 and 21, these claims are recited same limitations as claim 9. Thus they are analyzed and rejected as previously discussed with respect to claim 9 above.

6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Ducharme and further in view of Ramirez-Diaz, US 2003/0085998.

Regarding claim 19, Miyagi and Ducharme disclose a method for transmitting video data across a network environment comprising receiving, transmitting, buffering, and retransmitting the video data from the video server across a network.

Miyagi and Ducharme do not explicitly disclose the step of buffering the video data further comprises periodically reassessing whether the video data may be retrieved from an alternative data source.

Ramirez-Diaz discloses the step of buffering the video data further comprises periodically reassessing (whenever the user receives the pager message) whether the video data may be retrieved from an alternative data source (retrieve the message with the attached video camera image from a mail account) ([0044], Ramirez-Diaz).

Ramirez-Diaz, Miyagi, and Ducharme are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Ramirez-Diaz's video-based security system in Miyagi and Ducharme's image data communication system. The suggestion/motivation would have been to enable the display information such as the video camera image and status

signals from devices from anywhere in the world can be opened to retrieve from a standard web browser ([0032], [0044], Ramirez-Diaz).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aguayo et al. (US 2002/0013948) disclose a video data management, transmission, and control system and method employing distributed video segments microcasting.
- Nishikawa (US 6,032,180) disclose an image data transmission system, video server unit, and client unit for displaying image data.

- Hakenberg et al. (US 6,792,470) disclose an method and apparatus for communicating with data frames having priority levels

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KW
21 November 2007

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER